

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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SHAWN BARTLEY, DONALD BROWN, ROBERT)	
BROWN, MICHAEL CUSTER, RALPH DAVIS,)	
DARRELL DECK, STEVEN ERICKSON, DAVID)	
GOLDSTEIN, SHOMOND HARRIS, JEFFREY)	
HILL, VICKEY HUNTER, AWAD IBRAHIM,)	
CHRISTOPHER JOHNSON, JERRY JOHNSON,)	
RONALD LITTLE, TODD MACKEY, DANIEL)	
MACLEOD, KEITH PENBERTHY, JERRY)	
POUNCEY, ROBERT REISENWITZ, HARVEY)	
RICE, ELLEN SCANCELLA, MARY SMITH,)	
DANIEL, NINIANOW, DEBRA WILLIAMS,)	
DONNA WILLIAMS, MICHAEL WORKMAN, and)	CIVIL ACTION
on behalf of themselves and all others similarly)	NO. 1:21-cv-11206-DJC
situated,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
KONINKELIJKE PHILIPS N.V.; PHILIPS NORTH)	
AMERICA LLC; and PHILIPS RS NORTH)	
AMERICA LLC,)	
)	
<i>Defendants.</i>)	
)	

**DEFENDANTS PHILIPS NORTH AMERICA LLC
AND PHILIPS RS NORTH AMERICA LLC’S MOTION TO STAY PROCEEDINGS
PENDING A DECISION BY THE JUDICIAL PANEL ON MULTIDISTRICT
LITIGATION ON A MOTION TO TRANSFER**

Defendants Philips North America LLC and Philips RS North America LLC (together, “Philips”), through their undersigned counsel, respectfully move to stay all proceedings in this action, including the filing of answers, motions to dismiss, and other responsive pleadings by all parties, until the Judicial Panel on Multidistrict Litigation issues a decision on the Motion for Transfer and Coordination or Consolidation filed on July 7, 2021, in *In re: Philips Recalled CPAP, Bi-Level PAP, and Ventilator Litigation*, MDL No. 3014 (J.P.M.L. filed July 7, 2021)

(ECF No. 1-1) and issues a scheduling order for proceedings in a consolidated MDL action.¹ In support, Philips relies on the attached memorandum of law.

Dated: August 17, 2021

Respectfully Submitted,

/s/ Daniel S. Savrin

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*Counsel for Defendants Philips North
America LLC and Philips RS North America
LLC*

¹ If the JPML issues an order denying the MDL Motion, Philips respectfully requests 60 days from the date of that order to answer or move to dismiss the Complaint or any superseding Complaint in this action.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Emma D. Hall, hereby certify on August 17, 2021, I conferred in good faith with opposing counsel in order to resolve or narrow the issues presented in the above motion. Counsel advised that they will not assent to the relief sought in this motion.

/s/ *Emma Hall*
Emma Hall

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2021, the foregoing document was electronically filed with the Clerk of the Court and served upon counsel of record through the Court's ECF filing system.

/s/ Emma Diamond Hall

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